

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

WALTER SCOTT LAMB,

**Plaintiff/Counterclaim
Defendant,**

V.

LIBERTY UNIVERSITY, INC.,

**Defendant/Counterclaim
Plaintiff.**

)
)
)
)
)
)
)
)
)
)
)
)

Case No. 6:21CV00055

**DEFENDANT AND COUNTERCLAIM PLAINTIFF LIBERTY UNIVERSITY, INC.'S
MOTION FOR TEMPORARY RESTRAINING ORDER, OR IN THE ALTERNATIVE,
PRELIMINARY INJUNCTION**

Defendant and Counterclaim Plaintiff Liberty University, Inc., by counsel, pursuant to Federal Rule of Civil Procedure 65, and for the reasons set forth in the accompanying Memorandum in Support, asks this Court to enter a temporary restraining order or, in the alternative, a preliminary injunction that:

- (1) Requires Plaintiff and Counterclaim Defendant Scott Lamb to deliver to Liberty all documents or other information, including all privileged, confidential, and/or trade secret information, in Lamb's possession, custody, or control to the undersigned counsel within 24 hours, together with a signed representation that Lamb has returned all such documents and other information and no longer has any such documents other information in his possession, custody, or control;
- (2) Orders Lamb to preserve all information currently stored on his computers and other electronic storage devices, including any information stored on backup media or on iCloud, Google Drive, or similar electronic storage methods that may relate in any way to the issues raised in Liberty's Counterclaim;

- (3) Requires Lamb to identify all electronic devices and accounts in his possession, custody, or control that currently contain, previously contained, or from which Lamb has accessed confidential, proprietary, privileged and/or trade secret information belonging to Liberty;
- (4) Requires Lamb to identify all persons to whom he has disclosed any confidential, proprietary, privileged and/or trade secret information belonging to Liberty; and
- (5) Requires Lamb to comply with his fiduciary obligations to Liberty and his contractual obligations under the Confidentiality Agreement described in and attached to Liberty's Counterclaim, including, without limitation, by requiring Lamb to refrain from using or disclosing any confidential, proprietary, privileged and/or trade secret information belonging to Liberty without Liberty's prior express consent.

Contemporaneous with this Motion, Liberty files a Counterclaim and a Memorandum of Law in Support of this Motion for Temporary Restraining Order or, in the Alternative, Preliminary Injunction, which detail the factual and legal bases for this Motion. As set forth in Liberty's accompanying Memorandum of Law, issuance of a temporary restraining order and/or preliminary injunction is warranted and is necessary to prevent the irreparable harm caused by further disclosures of Liberty's confidential, trade secret, and privileged information.

LIBERTY UNIVERSITY, INC.
By Counsel

/s/ Scott C. Oostdyk

Scott C. Oostdyk (VSB # 28512)
Heidi Siegmund (VSB# 89569)
MCGUIREWOODS LLP
800 East Canal Street
Richmond, VA 23219
(804) 775-1000
(804) 775-1061 (facsimile)
soostdyk@mcguirewoods.com

hsiegmund@mcguirewoods.com

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of November, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send a true and correct copy to all counsel of record.

/s/
Heidi E. Siegmund (VSB No. 89569)
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
(804) 775-1000
(804) 775-1061 (facsimile)
hsiegmund@mcguirewoods.com

Counsel for Defendant and Counterclaim Plaintiff